

EXHIBIT 19

CONFIDENTIAL

Page 1

1

2 THE UNITED STATES DISTRICT COURT

3 FOR THE DISTRICT OF DELAWARE

4 -----

5 BOSTON SCIENTIFIC CORPORATION and

6 BOSTON SCIENTIFIC SCIMED, INC.,

7 Plaintiffs,

8 vs. No. 05-768-SLR

9 CONOR MEDSYSTEMS, INC.,

10 Defendant.

11 -----

12

13

14

15 VIDEOTAPED DEPOSITION OF NIGEL BULLER

16 SATURDAY, APRIL 21, 2007

17 8:30 a.m.

18

19

20

21

22

23 Reported by:

24 Joan Urzia, RPR

25 JOB NO. 193443

CONFIDENTIAL

Page 2

April 21, 2007
8:30 a.m.
New York, New York

VIDEOTAPED DEPOSITION of NIGEL
BULLER, held at the offices of Patterson
Belknap Webb & Tyler, LLP, 1133 Avenue of
the Americas, New York, New York, pursuant
to Agreement, before Joan Urzia, a Notary
Public of the State of New York.

Page 3

A P P E A R A N C E S:

KIRKLAND & ELLIS
Attorneys for Plaintiffs
153 E. 53rd Street
New York, NY 20004-1206
BY: PETER J. ARMENIO, ESQ.

PATTERSON BELKNAP WEBB
& TYLER, LLP
Attorneys for Defendant
1133 Avenue of the Americas
New York, New York
BY: KATHLEEN MCCROTTY, ESQ.
SCOTT W. PARKER, ESQ.

ALSO PRESENT:
IAN PAOLA, Videographer
LENA I. VINITSKAYA, Conor
General Counsel

Page 4

THE VIDEOGRAPHER: Good morning.
Here begins tape number one in the
videotaped deposition of Dr. Nigel
Buller in the matter of Boston
Scientific Corporation, et al., versus
Conor Medsystems, Inc. in the United
States District Court, District of
Delaware.

This deposition is being held at
1133 Avenue of the Americas, New York,
New York on April 21, 2007 at
approximately 8:35 a.m.

My name is Ian Paola from the
firm of Esquire Video Services and I
am the legal video specialist.

The court reporter is Joan Urzia,
in association with Esquire Deposition
Services.

Will counsel and all others
present please introduce themselves.

MR. ARMENIO: Peter Armenio from
Kirkland & Ellis for plaintiffs,
Boston Scientific Corporation, Boston
Scientific, Inc.

Page 5

N. Buller
MS. MCCROTTY: Kathleen McCrotty
with Patterson Belknap for defendant
Conor Medsystems, Inc.
MR. PARKER: Scott Parker, also
from Patterson Belknap.
MS. VINITSKAYA: Lena Vinitskaya,
in-house counsel for Conor.
N I G E L B U L L E R, called as a
witness, having been duly sworn by a
Notary Public, was examined and
testified as follows:

EXAMINATION BY

BY MR. ARMENIO:

Q. Good morning, Dr. Buller.

A. Good morning.

Q. As you know, I'm an attorney for
Boston Scientific. I'm going to be asking
you some questions today. I know you've
been through this process before, so I will
spare you a long introduction.

The one thing I would ask is if
you don't understand a question of mine,
would you please during the day today ask
me for clarification so we have a clear

2 (Pages 2 to 5)

CONFIDENTIAL

Page 37

1 N. Buller
2 geometries?
3 MS. McCROTTY: Objection.
4 A. It's a difference in connector
5 geometry, and therefore when prior arts
6 show or have that difference, it can be,
7 you know, anticipation or very least
8 obviousness. If it doesn't have that
9 geometry, then it can be a different route
10 to get to non-infringement if the patent is
11 still relevant in the --
12 MR. ARMENIO: Mark this as Buller
13 Exhibit 2, please.
14 (Buller Exhibit 2, BX Velocity
15 stent picture, marked for
16 identification, as of this date.)
17 Q. Doctor, I've marked as Exhibit 2
18 a picture of the BX Velocity stent. One is
19 for you and one is for your counsel.
20 A. Got it.
21 Q. And you have seen the BX Velocity
22 stent many, many times, right?
23 A. Yes, that's true.
24 Q. And you believe that stent for a
25 bare metal stent to have been a

10 (Pages 34 to 37)

CONFIDENTIAL

Page 38

1 N. Buller

2 commercially successful stent, lots of them
3 have been used very successfully around the
4 world?

5 MS. McCROTTY: Objection.

6 You can answer.

7 A. Yes, I think that's true.

8 Q. And you also believe the BX
9 Velocity to be a clinically successful
10 stent; again, very many, probably hundreds
11 of thousands of these stents have been
12 implanted in patients with good outcomes?

13 MS. McCROTTY: Objection.

14 A. What you're saying is highly
15 likely. I don't have the sales figures for
16 the numbers and I'm not really the right
17 person to say whether it's considered on
18 the ground scale of things a commercial
19 success, but yes, in broadest terms, yes, I
20 believe it is very successfully clinically,
21 and I think it's probably been a successful
22 product without having all the facts and
23 figures in front of me.

24 Q. And is it correct that this bare
25 metal BX Velocity stent serves as the

11 (Pages 38 to 41)

CONFIDENTIAL

Page 403

1 N. Buller

2 date.)

3 Q. What I've just marked as Buller

4 Exhibit 37 is a pictorial representation of
5 figure 1 of the Wijay '569 Patent.

6 A. Yes.

7 Q. With the labeling and the court's
8 prior construction of the "wherein" clause
9 that shows that this figure 1 would be
10 excluded from claim 23 of the '021 Patent,
11 right?

12 A. Yes.

13 Q. And you would agree that under
14 that construction of the "wherein" clause,
15 this is a fair representation?

16 A. Yes, under that construction and
17 with this particular embodiment, but as
18 I've already said it would be a routine
19 design choice to decide to spiral in the
20 opposite direction.

21 MR. ARMENIO: Why don't we take
22 our break?

23 THE VIDEOGRAPHER: The time is
24 5:08 p.m. We're going off the record.
25 (Recess taken from 5:08 p.m. to

102 (Pages 402 to 405)

CONFIDENTIAL

Page 438

1 N. Buller
 2 But sadly, that isn't what's going to
 3 happen here. It would be lovely, but it
 4 isn't possible.
 5 Q. I think you're probably right.
 6 MR. ARMENIO: Doctor, I really
 7 appreciate your time. Thank you very
 8 much. I have no further questions.
 9 MS. McCROTTY: I have no
 10 questions.
 11 THE VIDEOGRAPHER: The time is
 12 5:55 p.m. This marks the end of the
 13 videotaped deposition of Dr. Nigel
 14 Buller.
 15 (Time Noted: 5:55 p.m.)

16
 17
 18 _____
 19 NIGEL BULLER

20 Subscribed and sworn to before me
 21 this ____ day of _____, 2007.
 22
 23 _____
 24
 25

Page 439

1
 2 C E R T I F I C A T E
 3 STATE OF NEW YORK)
 4 : ss.
 5 COUNTY OF NEW YORK)
 6

7 I, Joan Urzia, a Notary Public
 8 within and for the State of New York,
 9 do hereby certify:

10 That NIGEL BULLER, the witness
 11 whose deposition is hereinbefore set
 12 forth, was duly sworn by me and that
 13 such deposition is a true record of the
 14 testimony given by the witness.

15 I further certify that I am not
 16 related to any of the parties to this
 17 action by blood or marriage, and that I
 18 am in no way interested in the outcome
 19 of this matter.

20 IN WITNESS WHEREOF, I have
 21 hereunto set my hand this 30th day of
 22 April, 2007.
 23
 24
 25

 Joan Urzia

Page 440

1	----- I N D E X -----		
2	WITNESS	EXAMINATION BY	PAGE
3	NIGEL BULLER	MR. ARMENIO	
4			
5	----- EXHIBITS -----		
6	BULLER	FOR ID.	
7	1	U.S. Patent '5,922,021	31
8	2	BX Velocity stent picture	37
9	3	Engineering drawings	54
10	4	Picture, Bates stamped	57
11		number CM 5992	
12	5	Picture, Bates stamped	57
13		CM 5412	
14	6	Picture, Bates stamped	58
15		CM 129935	
16	7	Engineering drawings	58
17	8	Opening Expert Report of	65
18		Nigel Buller	
19	9	Rebuttal Expert Report of	66
20		Nigel Buller	
21	10	United States Patent	154
22		6,241,762	
23			
24			
25	(Continued)		

Page 441

1	----- EXHIBITS (Cont'd) -----		
2	BULLER	FOR ID.	
3	11	Document Bates stamped	179
4		CM 118761 to 768	
5	12	Document Bates stamped	189
6		CM 123829 through 846	
7	13	Document Bates stamped	189
8		CM 118786 through 118791	
9	14	Document	189
10	15	Document Bates stamped	189
11		CM 87273 through 74	
12	16	Picture	189
13	17	Jury Verdict	221
14	18	Opening Report	228
15	19	Rebuttal Expert Report	228
16	20	Drawing	241
17	21	Stent Design	248
18	22	Document Bates stamped	257
19		OCC 19780 to 843	
20	23	United States Patent	274
21		'6,783,543	
22	24	Dr. Moore's Opening Report	322
23			
24			
25	(Continued)		

111 (Pages 438 to 441)

EXHIBIT 20

Page 1224

VOLUME F

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

BOSTON SCIENTIFIC CORPORATION, : CIVIL ACTION
Plaintiff :
vs. :
CORDIS CORPORATION and :
JOHNSON & JOHNSON, INC., :
Defendants : NO. 03-27 (SLR)

BOSTON SCIENTIFIC SCIMED, INC., : CIVIL ACTION
and BOSTON SCIENTIFIC :
CORPORATION, :
Plaintiffs :
vs. :
CORDIS CORPORATION and :
JOHNSON & JOHNSON, INC., :
Defendants : NO. 03-283 (SLR)

Wilmington, Delaware
Wednesday, June 29, 2005
9:40 a'clock, a.m.

BEFORE: HONORABLE SUE L. ROBINSON, Chief Judge, and a jury

Valerie J. Gunning and
Leonard A. Didds,
Official Court Reporters

Page 1225

1 APPEARANCES:

ASHBY & GEDDES
BY: STEVEN J. BALICK, ESQ and
JOHN G. DAY, ESQ.

-and-

PATTERSON, BELKNAP, WEBB & TYLER LLP
BY: GREGORY L. DISKANT, ESQ.,
MICHAEL TIMMONS, ESQ.,
EUGENE GELERENTER, ESQ.,
KIM J. LANDSMAN, ESQ.,
SCOTT HOWARD, ESQ and
THOMAS PIPPERT, ESQ
(New York, New York)

-and-

JOHNSON & JOHNSON
BY: ERIC HARRIS, ESQ
Counsel for Cordis Corporation

YOUNG, CONAWAY, STARGAT & TAYLOR
BY: JOSE W. INGERSOLL, ESQ

-and-

BOUCHARD, MARGULES & FRIEDLANDER, P.A.
BY: KAREN L. PASCALE, ESQ

-and-

Page 1226

1 APPEARANCES (Continued):

KENYON & KENYON
BY: RICHARD DeLUCIA, ESQ.,
THOMAS MELORO, ESQ and
ELIZABETH GARDNER, ESQ
(New York, New York)

-and-

KIRKLAND & ELLIS
BY: JOHN DESMARAIS, ESQ and
PETER J. ARMENIO, ESQ.
(New York, New York)

Counsel for Boston Scientific
Corporation

Page 1227

PROCEEDINGS

(Proceedings commenced at 9:40 a.m., and the following occurred without the presence of the jury.)

MR. MELORO: Good morning, your Honor.
Mr. DeLucia referenced an evidentiary issue regarding Dr. Buller's testimony.
The main issue relates to some prior-art references that Cordis wishes to question Dr. Buller about and introduce into evidence, to the extent they're not already in evidence.
Dr. Buller is not going to be offering any opinions regarding invalidity of the Helmus and Ding patent during his testimony. The references are not part of any invalidity opinion of any expert.
Dr. Hanson will be testifying on invalidity for Cordis. He has not relied on the references in his invalidity evaluation. So part of the reason for putting these in is they describe general state of the art. I think there's only potential for mischief here. These references don't go to an opinion that Dr. Buller will Express and they don't go to an opinion that Dr. Hanson will Express.

1 the other.

2 Q. Okay. And let's just, so we're clear, these are
3 not in phase because they're not pointing exactly in the
4 same direction; is that right?

5 A. Correct. These are out of phase, but they are not
6 mirror images. They are not 180 degrees out of phase.

7 Q. Okay. So you can't -- they're not mirror images?

8 A. They are not mirror images.

9 Q. All right. Does Jang specification discuss 180-
10 degree out-of-phase stents?

11 A. Yes. He explains very early on in the patent
12 that stents with 180 degrees have some undesirable
13 features.

14 Q. Go to Column 2. He says, another example of a
15 conventional stent patent is the Brun patent. What is
16 the Brun patent?

17 A. It's a sort of misprint here because Brun was the
18 name of the attorney who prosecuted a patent in Europe
19 and I think this is, in fact, from memory, without
20 looking at that, I think it is the Israel patent in
21 Europe.

22 Q. And he says, the even and odd first meander
23 patterns.

24 What's he talking about here?

25 A. He's talking about Palmaz rings or the expansion

Page 1363

1 the patent, the actual patent text, this is the Jang
2 patent; right?

3 A. Could I have a copy of it?

4 Yes, it is the '021 patent or one page of it.

5 Q. Yes. I would be happy to give you a copy.

6 MR. DESMARAIS: May I approach, your Honor?

7 THE COURT: Yes, you may.

8 BY MR. DESMARAIS:

9 Q. I hand you Boston Scientific Exhibit 4 (handing
10 exhibit to the witness).

11 A. Thank you.

12 Q. And my only question is: What we see here, this
13 is Columns 1 and 2 from the Jang patent; right? What you
14 see on the screen?

15 A. Yes.

16 Q. And what we see is, there's a section entitled
17 background of the invention. Right in the text of the
18 patent; right?

19 A. Yes.

20 Q. And that's in Column 1.

21 And then if we go over to discussion, the
22 Palmaz patent is discussed by Dr. Jang right in the very
23 text of his patent; right?

24 A. Yes.

25 Q. And if we look down, one of the other references

1 you rely on, that's actually the foreign equivalent of
2 the Israel '303 patent. That's discussed right in the
3 background of Dr. Jang's patent; right
4 A. That is correct. They are both discussed briefly.
5 Q. In fact, if we look at one of the figures that you
6 relied on in your direct, this figure, you remember you
7 colored this in for the jury?

8 A. Yes.

9 Q. That figure comes right from the Patent Office's
10 file showing they considered it before they issued the
11 Jang patent; right?

12 A. That's exactly what I said. It came out of the
13 file history. That's what I said. I think it's Page
14 198.

15 Q. So there's no dispute between us that the Patent
16 Office had all of these references, Israel, Palmaz, Brown
17 and Pinchasik, and specifically considered them before
18 issuing the Jang patent; right?

19 A. That is true. They considered these references.

20 Q. Now, you know, don't you, sir, that when deciding
21 obviousness of an invention, the law prohibits you from
22 using hindsight to pick and choose and mix and match
23 from differences; right? Doesn't the law prohibit
24 hindsight?

25 A. Absolutely. The exercise I performed avoided that

EXHIBITS 21-22
REDACTED IN FULL

EXHIBIT 23

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

**BOSTON SCIENTIFIC CORPORATION and BOSTON
SCIENTIFIC SCIMED, INC.,**

Plaintiffs,

-against-

CONOR MEDSYSTEMS, INC.,

Defendant.

No. 05-768-SLR

**May 5, 2007
9:54 a.m.**

HIGHLY CONFIDENTIAL VIDEOTAPED DEPOSITION
of JAMES E. MOORE, taken by Defendant,
pursuant to Notice, held at the offices of
KIRKLAND & ELLIS, LLP, 153 East 53rd
Street, New York, New York before Wayne
Hock, a Notary Public of the State of New
York.

2

4

1
2 APPEARANCES:
3
4 KIRKLAND & ELLIS, LLP
Attorneys for Plaintiffs
153 East 53rd Street
New York, New York 10022
6 BY: PETER J. ARMENIO, ESQ.
YOUNG J. PARK, ESQ.
7
8 PATTERSON BELKNAP WEBB & TYLER, LLP
Attorneys for Defendant
1133 Avenue of the Americas
New York, New York 10036
10
11 BY: SCOTT W. PARKER, ESQ.
LAURA STORTO, ESQ.
12
13 ALSO PRESENT:
14 KEVIN GALLAGHER, Videographer
* * *

1
2 Wayne Hock. We're both from the
3 independent firm of Veritext Court
4 Reporting Services.
5 Counsel will now identify
6 themselves for the record.
7 MR. PARKER: Scott Parker,
8 Patterson Belknap Webb and Tyler, LLP,
9 on behalf of Conor MedSystems.
10 MS. STORTO: Laura Storto from
11 Patterson Belknap Webb and Tyler also
12 on behalf of Conor MedSystems.
13 MR. ARMENIO: Peter Armenio from
14 Kirkland and Ellis for Plaintiffs
15 Boston Scientific Corporation and
16 Boston Scientific Scimed, Inc. and the
17 witness, Dr. Moore.
18 THE VIDEOGRAPHER: Mr. Hock will
19 swear the witness.
20 JAMES E. MOORE, having
21 been first duly sworn by a Notary Public of
22 the State of New York, upon being examined,
23 testified as follows:
24 (CONTINUED ON NEXT PAGE)
25

3

5

1
2 (Whereupon, a document entitled
3 Expert Report of Professor James E.
4 Moore, Ph.D. was marked Moore
5 Exhibit 1 for identification.)
6 (Whereupon, a document entitled
7 Rebuttal Expert Report of Professor
8 James E. Moore, Ph.D. was marked
9 Moore Exhibit 2 for identification.)
10 THE VIDEOGRAPHER: We are now
11 going on the record approximately 9:55
12 a.m.
13 This is the videotaped
14 deposition of witness James Moore
15 taken in the U.S. District Court for
16 the District of Delaware, case
17 number 05-768-SLR, Boston Scientific
18 Corporation, et al., versus Conor
19 MedSystems, Inc.
20 The deposition is being held
21 today, May 5, 2007 at the offices of
22 Kirkland Ellis in the Citicorp
23 building in New York, New York.
24 I'm Kevin Gallagher, the
25 videographer. The court reporter is

1 J. E. Moore -- HIGHLY CONFIDENTIAL
2 EXAMINATION BY
3 MR. PARKER:
4 Q. Good morning, Professor.
5 A. Good morning.
6 Q. Nice to see you again.
7 A. Nice to see you.
8 Q. I know that you've been deposed
9 before. In fact, I've deposed you before.
10 Can I assume that you're
11 generally familiar with the rules of
12 depositions?
13 A. Yes.
14 Q. I'll just ask that you let me
15 finish all of my questions before you give
16 me your answers and I will do the same.
17 You understand that you're under
18 oath today and you have to tell the truth?
19 A. Yes.
20 Q. If I ask a question and you
21 don't understand it, just ask me to
22 rephrase it and I'll be happy to do so.
23 And if you need a break at any
24 time, just let me know, we can take a
25 break. We'll take regular breaks over the

78

80

1 J. E. Moore -- HIGHLY CONFIDENTIAL
 2 going back on the record at
 3 approximately 1:35 p.m.
 4 MR. PARKER: I'd like to have
 5 marked as Exhibit 7 the opening expert
 6 report of Nigel Buller dated March 19,
 7 2007.
 8 (Whereupon, a document entitled
 9 Opening Expert Report of Nigel Buller,
 10 B.S.C. was marked Moore Exhibit 7
 11 for identification.)
 12 Q. Before we get to that --
 13 MR. PARKER: Actually, strike
 14 that.
 15 Q. Can you turn to Exhibit C of Dr.
 16 Buller's report.
 17 A. Okay.
 18 Q. You've reviewed Dr. Buller's
 19 initial expert report in this case; right?
 20 A. Yes.
 21 Q. And he submitted it on March 19;
 22 right?
 23 A. That looks to be the case.
 24 Q. So is it fair to say you've had
 25 about six weeks to think about it?

79

1 J. E. Moore -- HIGHLY CONFIDENTIAL
 2 A. That sounds about right.
 3 Q. Do you agree that the stent
 4 design shown on page one of Moore
 5 Exhibit 7 satisfies all of the limitations
 6 of claim twenty-three of the '021 patent?
 7 MR. ARMENIO: I think you
 8 misspoke when you identified where you
 9 want him to look.
 10 MR. PARKER: Okay.
 11 Q. Looking at Moore Exhibit 7 --
 12 A. Uh-huh.
 13 Q. -- turn to Exhibit C, and do you
 14 see the image on page one of Exhibit C?
 15 A. Yes, I do.
 16 Q. Would you agree that the stent
 17 design shown on this page satisfies all of
 18 the limitations of claim twenty-three of
 19 the '021 patent?
 20 MR. ARMENIO: Objection. Lack of
 21 foundation.
 22 A. I don't know. I haven't
 23 analyzed it from that point of view.
 24 Q. Have you analyzed it from any
 25 point of view?

1 J. E. Moore -- HIGHLY CONFIDENTIAL
 2 A. Yes.
 3 Q. What point of view is that?
 4 A. Whether or not it really would
 5 count as something disclosed by the Israel
 6 '303 patent.
 7 Q. I don't understand.
 8 Oh, whether this particular
 9 image is disclosed by the Israel '303
 10 patent?
 11 A. Yes.
 12 Q. You've considered that?
 13 A. Yes.
 14 Q. Have you considered whether --
 15 regardless of whether this image is
 16 disclosed by the Israel '303 patent, this
 17 image reads on all of the limitations of
 18 claim twenty-three of the '021 patent?
 19 A. No, I have not.
 20 Q. Why not?
 21 A. To me it doesn't -- it is not a
 22 design that is described in the Israel
 23 '303 patent. This is a design that would
 24 go against the teachings of the Israel
 25 '303. I don't see it as a relevant

81

1 J. E. Moore -- HIGHLY CONFIDENTIAL
 2 exercise to see whether or not it reads on
 3 claim twenty-three.
 4 Q. Let's assume you're wrong.
 5 Let's assume that this design is disclosed
 6 by the Israel '303 patent.
 7 If you assume that this design
 8 is disclosed by the Israel '303 patent, do
 9 you agree that it reads on all of the
 10 limitations on claim twenty-three of the
 11 '021 patent?
 12 MR. ARMENIO: Objection.
 13 Improper hypothetical.
 14 I just object to the extent that
 15 you're asking him to assume something
 16 he's just said he can't assume.
 17 You can continue.
 18 A. Again, I didn't consider it in
 19 that way. For the purposes of determining
 20 whether or not this corresponds to claim
 21 twenty-three, it didn't seem like a
 22 relevant exercise because, as I said, this
 23 is not a design that one could get from
 24 the Israel '303 patent.
 25 Q. Okay.

I N D E X (continued)

INSERTIONS

Page Line
(NONE)

REQUESTS

Page Line
(NONE)

RULINGS

Page Line
(NONE)

* * *

ERRATA SHEET
VERITEXT/SPHERION DEPOSITION SERVICES

CASE NAME: BOSTON SCIENTIFIC V. CONOR
DATE OF DEPOSITION: May 5, 2007
WITNESS' NAME: JAMES E. MOORE

PAGE/LINE(S)/	CHANGE	REASON
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

JAMES E. MOORE

SUBSCRIBED AND SWORN TO
BEFORE ME THIS DAY
OF , 2007.

NOTARY PUBLIC
MY COMMISSION EXPIRES

CERTIFICATION BY REPORTER

I, Wayne Hock, a Notary Public of the
State of New York, do hereby certify:

That the testimony in the within
proceeding was held before me at the
aforesaid time and place;

That said witness was duly sworn
before the commencement of the testimony,
and that the testimony was taken
stenographically by me, then transcribed
under my supervision, and that the within
transcript is a true record of the
testimony of said witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, that I am not
interested directly or indirectly in the
matter in controversy, nor am I in the
employ of any of the counsel.

IN WITNESS WHEREOF, I have hereunto
set my hand this 7th day of May, 2007.

WAYNE HOCK

CERTIFICATE OF SERVICE

I, Adam W. Poff, Esquire, hereby certify that on May 25, 2007, I caused to be served a true and correct copy of the foregoing document upon the following counsel of record as indicated.

BY HAND DELIVERY


Steven J. Balick, Esquire
John G. Day, Esquire
Lauren E. Maguire, Esquire
Ashby & Geddes
500 Delaware Avenue, 8th Floor
Wilmington, DE 19899

BY FEDEX & E-MAIL

Gregory L. Diskant, Esquire
Eugene M. Gelernter, Esquire
Kathleen M. Crotty, Esquire
Scott W. Parker, Esquire
Ravi V. Sitwala, Esquire
Diana Breau, Esquire
Patterson, Belknap, Webb
& Tyler, LLP
1133 Avenue of the Americas
New York, NY 10036

Courtland L. Reichman, Esquire
King & Spalding
1180 Peachtree Street, NE
Atlanta, GA 30309

YOUNG CONAWAY STARGATT & TAYLOR, LLP



Adam W. Poff (No. 3990)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19899-0391
(302) 571-6600
apoff@ycst.com

*Attorneys for Boston Scientific Corporation
and Boston Scientific Scimed, Inc.*